

**131 (1) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1.CR-93-2022 (O&M)

Raj Kumar and another
Versus
....Petitioners

Ramesh Kumar and another
..Respondents

2.CR-95-2022 (O&M)

Raj Kumar and another
Versus
....Petitioners

Ramesh Kumar and another
..Respondents

3.CR-113-2022 (O&M)

Raj Kumar and another
Versus
....Petitioners

Ramesh Kumar and another
..Respondents

4.CR-140-2022 (O&M)

Raj Kumar and another
Versus
....Petitioners

Ramesh Kumar and another
..Respondents

Date of decision: 18.02.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Sharma, Advocate for the petitioners
in all the petitions

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video
conferencing on account of restricted functioning of the Courts.

By this order, four Civil Revision petitions i.e CR-93-2022,

CR-95-2022, CR-113-2022 and CR-140-2022 shall stand disposed of.

A petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, (hereinafter referred to as 'the 1949 Act') seeking eviction of the tenant is pending before the Rent Controller. The petitioners, claiming to be owners, filed an application for being impleaded as the party respondents. The Rent Controller has dismissed the said applications.

Learned counsel representing the petitioners while drawing the attention of the Court to the alleged affidavit of Ramesh Kumar, their brother (the petitioner in the eviction petition) submits that as per the family settlement, Sh. Ramesh Kumar had handed over his share in SCO no.15, Phase I, SAS Nagar, Mohali to the petitioners herein. He, hence, submits that the petitioners are the necessary party. In the alternative, learned counsel submits that the petitioners are the undisputed co-owners of the property, therefore, they are required to be impleaded as party. He further claims that the eviction petition has been filed by their brother Ramesh Kumar, without their consent.

It is evident from the reading of the alleged affidavit dated 23.04.2015 allegedly executed by Ramesh Kumar s/o Mangal Dass that he undertook to execute and sign all the documents, as may be required for the change of ownership. Learned counsel representing the petitioners does not dispute that the fact that Sh.Ramesh Kumar has not executed the documents.

In the rent petition filed under Section 13 of the 1949 Act, the Rent Controller is required to decide as to whether the tenant is

liable to be evicted on the grounds specified in the eviction petition. The substantive question with regard to the title between the brothers cannot be decided in a rent petition. Furthermore, a petition on behalf of a co-sharer, with the consent of other co-sharers, is maintainable. If the petitioners have objection to the maintainability of the petition, they shall be at liberty to appear in evidence on behalf of the tenant and bring this fact to the notice of the Court. However, for this reason only, the petitioners are not required to be impleaded as party. Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

18.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE